

**SUBCHAPTER E : SPECIAL REQUIREMENTS FOR USE
OF INDUSTRIAL RECLAIMED WATER**

§§210.51-210.55

Effective May 12, 1997

§210.51. When Authorization Is Required and How to Obtain It; Effect on Permitted Discharges.

(a) A person who produces, provides, or uses industrial wastewater as industrial reclaimed water must obtain agency authorization if the use constitutes a discharge. A conveyance or use of industrial reclaimed water that does not constitute a discharge does not require authorization.

(b) This subchapter authorizes the use of industrial reclaimed water if the requirements of the subchapter are met. If a use of industrial reclaimed water is authorized by this subchapter then an amendment to any related wastewater discharge permit is not required.

(c) The requirements of this subchapter do not apply to the use of industrial reclaimed water when the use is authorized by permit or by commission rules other than those in this subchapter. However, when a use of industrial reclaimed water is regulated under Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste) the use shall comply with the requirements of Chapter 335 and this subchapter.

(d) The use of industrial wastewater as industrial reclaimed water as authorized by this subchapter shall not be considered a violation of the related permit for the discharge of industrial wastewater. Except as provided by §210.54 of this title (relating to the Authorization of Industrial Reclaimed Water Use), effluent limitations provided in the permit remain in effect for the discharge of the industrial wastewater.

(e) Nothing in this subchapter shall alter any requirement to obtain a water right authorization.

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§210.52. Definitions.

The following words and terms when used in this subchapter have the following meanings unless the context indicates otherwise.

Blowdown - The discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts which could damage or impair machinery, equipment, or systems.

Commingled Wastewater - Industrial wastewater that contains any amount of domestic wastewater.

Discharge - the release or disposal of waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water of the state.

Industrial Reclaimed Water - Any industrial wastewater which has been treated, if necessary, to a quality suitable for reuse .

Industrial Wastewater - A non-domestic or non-municipal wastewater.

Minimum Analytical Level or MAL - The lowest concentration at which a particular substance can be quantitatively measured in the matrix of concern (i.e., wastewater) with a defined precision level, using approved analytical methods.

Non-process Area Stormwater - Stormwater which has not come into direct contact with manufacturing or process areas, and has not come into direct contact with manufacturing or process materials.

Non-contact Cooling Water - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Once-Through Cooling Water - Water passed through the main cooling condensers in one or two passes for the purpose of removing waste heat.

POTW - Publicly Owned Treatment Works.

Priority Pollutants - The pollutants as listed in 40 CFR 122, Appendix D, Tables 2 and 3, plus 2,3,7,8-TCDD and asbestos.

Producer - An entity or person that produces industrial reclaimed water as identified in this subchapter.

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§210.53. Requirements in Other Subchapters.

(a) Except as specified in this section, the requirements for a reclaimed water producer, provider, or user described in Subchapters A, B, C, and D of this Chapter of this title (relating to Use of Reclaimed Water) apply to a producer, provider, or user of industrial reclaimed water.

(b) The producer or user of industrial reclaimed water is not required to hold a permit for treatment and disposal as described in §210.1 of this title (relating to Applicability).

(c) A producer that uses industrial reclaimed water only within the boundaries of the industrial facility, or within the boundaries of properties contiguous to the facility and owned by the producer, is not required to comply with §210.4 of this title (relating to Notification). However, the producer must comply with all applicable requirements of this chapter pertaining to the industrial reclaimed water use. Unless the facility provides domestic water or wastewater services to the public, such as at a university, hospital, hotel, or similar institution, all exposed or buried piping receiving industrial reclaimed water constructed within the

boundaries of the industrial facility is exempt from the color coding requirements of §210.25 of this title (relating to Special Design Criteria for Reclaimed Water Systems).

(d) The requirements of §210.5 (d) of this title (relating to Authorization for the Use of Reclaimed Water) do not apply to a provider or user of industrial reclaimed water.

(e) The requirements of §210.25 (e), (f), and (h) of this title (relating to Special Design Criteria for Reclaimed Water Systems) do not apply to the producer, provider, or user of industrial reclaimed water within the boundaries of the industrial facility or within the boundaries of properties contiguous to the facility and owned by the producer.

(f) The requirements of §210.31 of this title (relating to Applicability), §210.32 of this title (relating to Specific Uses of Reclaimed Water), §210.33 of this title (relating to Quality Standards for Using Reclaimed Water), §210.34 of this title (relating to Sampling and Analysis), §210.35 of this title (relating to Guidelines for Certain Distribution Systems), and §210.36 of this title (relating to Record Keeping and Reporting), do not apply to the producer, provider, or user of industrial reclaimed water.

(g) For purposes of applying the requirements of §210.23 of this title (relating to Storage Requirements for Reclaimed Water) to the authorized uses of industrial reclaimed water identified in §210.54 of this title (relating to Authorization of Industrial Reclaimed Water Use), industrial reclaimed water which is exempt from authorization will be considered equivalent to Type I reclaimed water. If authorization is required, then the executive director may determine whether other lining requirements are needed.

(h) Notwithstanding subsections (b) through (f) of this section, industrial reclaimed water that consists of industrial wastewater commingled with domestic wastewater is subject to all requirements of §§210.1-210.9 of this title (relating to General Provisions), §§210.21-210.25 of this title (relating to General Requirements for the Production, Conveyance, and Use of Reclaimed Water), and §§210.31-210.36 of this title (relating to Quality Criteria and Specific Uses for Reclaimed Water).

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§210.54. Authorization of Industrial Reclaimed Water Use.

(a) In addition to the other requirements in this section, a producer must:

(1) provide an authorized alternative means of disposing of the industrial wastewater when the user cannot use industrial reclaimed water; and

(2) if the producer is within the service area of a POTW, give notice to the POTW of the intent to reuse industrial wastewater under this subchapter.

(b) This subsection authorizes the use of industrial reclaimed waters if the requirements of paragraphs (1) and (2) of this subsection are met:

(1) The use is for one of the following activities:

- (A) Residential or industrial irrigation, including landscape irrigation.
- (B) Urban uses, including but not limited to irrigation of parks, golf courses with restricted or unrestricted public access, school yards, athletic fields, right-of-ways.
- (C) Fire protection.
- (D) Dust suppression and soil compaction.
- (E) Maintenance of impoundments.
- (F) Irrigation of non-food crops, including but not limited to sod farms and silviculture.

(2) The use of the industrial reclaimed waters satisfies the following:

(A) The industrial reclaimed waters are used within the boundaries of the producer's facility or within the boundaries of property that is contiguous to the producer's facility and owned by the producer, and are derived from one or more of the following sources: air conditioning condensate, cooling tower blowdown, washwater from washing whole fruits and vegetables, non-contact cooling water, non-process area stormwater, once through cooling water, or steam condensate; or

(B) The industrial reclaimed waters are used within the boundaries of the producer's facility or within the boundaries of property that is contiguous to the producer's facility and owned by the producer, and meet the following criteria:

- (i) Chemical Oxygen Demand less than or equal to 150 mg/l,
- (ii) Total Organic Carbon less than or equal to 55 mg/l,
- (iii) Oil and Grease less than or equal to 10 mg/l,
- (iv) Nitrate Nitrogen less than or equal to 10 mg/l,
- (v) Priority Pollutant concentrations less than or equal to the MAL (2,3,7,8-TCDD and asbestos are only required to be sampled if believed to be present), and
- (vi) pH not less than 6.0 nor greater than 9.0 standard units.
- (vii) If the industrial reclaimed water is commingled with any amount of domestic wastewater, then the fecal coliform concentration measured from a grab sample must be less than or equal to 75 CFU/100 ml.

(c) The executive director may authorize uses of industrial reclaimed waters for other types of use, locations of use, and of other water quality, in addition to those uses authorized under subsection (b) of this section.

(1) The executive director may approve the use of industrial reclaimed waters at sites other than within the boundaries of the producer's facility and at sites other than within the boundaries of property that is contiguous to the producer's facility.

(2) The executive director will review any proposed use of industrial reclaimed waters for consistency with the wastewater generated. The executive director may impose additional controls on the proposed use.

(3) The executive director may approve of the reuse of industrial reclaimed water if the concentration of a priority pollutant exceeds a MAL. The executive director will consider the concentration of the constituent and its potential for an adverse impact upon human health or waters in the state in making a determination to approve the use and may include additional monitoring and/or reporting requirements.

(4) A user shall submit an application to the executive director on a form provided by the executive director. The user shall not begin use of industrial reclaimed waters before obtaining the executive director's written authorization.

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§210.55. Record Keeping and Reporting.

(a) The industrial reclaimed water provider shall maintain records on site for a period of five years. The records to be maintained by the provider include:

(1) copies of notifications made to the commission concerning industrial reclaimed water projects.

(2) copies of contracts made with each industrial reclaimed water user.

(3) daily records of volume of water delivered to each reclaimed water user.

(b) For industrial reclaimed waters authorized under §210.54 (b)(2)(B) or (c) of this title (relating to Authorization of Industrial Reclaimed Water Use), records of water quality analyses must be kept on-site for a period of at least five years. A grab sample of the reclaimed water must be taken and analyzed at least once per year for all of the constituents listed in §210.54(b)(2)(B) of this title (relating to Authorization of Industrial Reclaimed Water Use), and once per month for only those pollutants that are expected to be present in any detectable amount. Additionally, field measurement of pH is required at a frequency of once per week.

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